

1-1 By: Deuell S.B. No. 1537
 1-2 (In the Senate - Filed March 8, 2013; March 19, 2013, read
 1-3 first time and referred to Committee on Economic Development;
 1-4 March 28, 2013, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 4, Nays 0; March 28, 2013,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Deuell	X			
1-9 Hancock	X			
1-10 Birdwell			X	
1-11 Davis	X			
1-12 Eltife			X	
1-13 Fraser			X	
1-14 Watson	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1537 By: Watson

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to certain required notices under the Texas Unemployment
 1-20 Compensation Act, including employer liability arising from
 1-21 failure to provide the notice.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 205.013, Labor Code, is amended by
 1-24 adding Subsection (d) to read as follows:

1-25 (d) If a reimbursing employer pays a reimbursement to the
 1-26 commission for benefits paid to a claimant that are not in
 1-27 accordance with the final determination or decision under this
 1-28 subtitle, the employer is not entitled to a refund of, or credit
 1-29 for, the amount paid by the employer to the commission unless the
 1-30 employer has complied with the requirements of Section 208.004 with
 1-31 respect to the claimant.

1-32 SECTION 2. Section 208.004, Labor Code, is amended by
 1-33 adding Subsections (a-1), (c), (d), (e), and (f) to read as follows:

1-34 (a-1) A notification provided by a person under Subsection
 1-35 (a), including an initial response to a notice mailed to the person
 1-36 under Section 208.002, must include sufficient factual information
 1-37 to allow the commission to make a determination regarding the
 1-38 claimant's entitlement to benefits under this subtitle.

1-39 (c) Notwithstanding Subchapter B, Chapter 204, benefits
 1-40 paid to a claimant that are not in accordance with the final
 1-41 determination or decision under this subtitle shall be charged to
 1-42 the account of a person if:

1-43 (1) the person, or the person's agent, without good
 1-44 cause, fails to provide adequate or timely notification under this
 1-45 section; and

1-46 (2) the commission determines that the person, or the
 1-47 person's agent, has failed to provide timely or adequate
 1-48 notification under this section on at least two prior occasions.

1-49 (d) For purposes of Subsection (c), a notification is not
 1-50 adequate if the notification merely alleges that a claimant is not
 1-51 entitled to benefits without providing sufficient factual
 1-52 information, other than a general statement of the law, to support
 1-53 the allegation.

1-54 (e) For purposes of Subsection (c), good cause is
 1-55 established only by showing that a person, or the person's agent,
 1-56 was prevented from complying with this section due to compelling
 1-57 circumstances that were beyond the person's control.

1-58 (f) The commission may adopt rules as necessary to implement
 1-59 this section.

1-60 SECTION 3. Section 212.005, Labor Code, is amended to read

2-1 as follows:

2-2 Sec. 212.005. CHARGEBACK ON REVERSAL OF DETERMINATION OR
2-3 DECISION ALLOWING BENEFITS PROHIBITED; EXCEPTION. (a) Except as
2-4 provided by Subsection (b), a [A] chargeback may not be made to an
2-5 employer's account because of payments having been made under a
2-6 determination or decision to the claimant for any benefit period
2-7 with regard to which the claimant is finally denied benefits by a
2-8 modification or reversal of the determination or decision.

2-9 (b) A chargeback shall be made to an employer's account for
2-10 benefits paid to a claimant that are not in accordance with the
2-11 final determination or decision under this subtitle if the benefits
2-12 were paid due to the failure of the employer, or the employer's
2-13 agents, to comply with Section 208.004.

2-14 SECTION 4. The changes in law made by this Act apply only to
2-15 a final determination made by the Texas Workforce Commission on or
2-16 after October 1, 2013, that a person received an erroneous payment.
2-17 A final determination made before that date is governed by the law
2-18 in effect on the date the determination was made, and the former law
2-19 is continued in effect for that purpose.

2-20 SECTION 5. This Act takes effect October 1, 2013.

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